

October 7, 1999

Ms. Betty Chrisman
Appliance Rulemaking Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

Subject: Docket Number 98-A&B-1
Preliminary comments for workshop on October 14, 1999

Dear Ms. Chrisman:

We are writing in response to the agenda items posted with the subject workshop notice and also to your October 1, 1999 related memo. We hope our comments will help make the workshop on the 14th more constructive. Though we continue to hold the position that all of the topics discussed under the heading preemption in our September 2, 1999 comments on the docket are still preempted, we are willing to work with the CEC on changes to such provisions in order to ameliorate their effect.

We appreciate CEC's willingness to continue the dialogue and are encouraged by the Category One recommendations in your memo. Regarding Category One, comment a, we take issue with paragraphs 3 and 4 in Section 1603. We do not believe the CEC has the right to any test report at manufacturers' or independent laboratories. Furthermore, we cannot agree to a requirement to permit a representative from CEC to witness tests at our members' laboratories. We have voluntarily permitted CEC staff to witness tests in the past, and we are always willing to consider it in the future, but not as part of the regulation.

We think comments c through g under Category One are acceptable, pending further consultation with our members. While comment g is a good improvement over the first draft, we do not believe CEC has any enforcement for NAECA covered products.

As for your Category Two comments, we would like to further discuss comment a. Regarding comment b, we do not believe CEC has the right to additional data generated during federal test methods, but we are willing to continue to provide reasonable data, as we have been doing.

Regarding your Category Three, we only have interest in item d, Marking Requirements for EPACT Products. Additional labels on these products for the purpose of displaying their efficiency would be unduly burdensome when compared to the negligible benefit. No significant energy savings would result, and the label would not assist consumers in making purchasing decisions since these products are not purchased in that manner.

Furthermore, EPACT designates the Department of Energy as having authority for regulating efficiency labels on covered products. Since DOE is in the process of a rulemaking on this topic, we request that the corresponding Section (1606(c)) in the draft be deleted. California should defer to the federal government on this issue, as with NAECA covered products. ARI's comments to DOE on this topic are attached so that CEC can better understand our position on labeling.

ARI has at least three other issues we would like to discuss at the workshop that are not mentioned in your memo:


1. Scope — This rulemaking should be limited to include only non-federally regulated products that are already covered by CEC's Efficiency Regulations. Specifically, all products listed in Table C-7 (unitary air-conditioners greater than 240,000 Btu/h capacity, condensing units, and water chilling packages) should be deleted from the scope, along with air source heat pumps greater than 240,000 Btu/h capacity from Table C-6.

The Committee Order on the scope of the rulemaking, dated April 15, 1999 stated, The Committee does not intend to move forward with new efficiency standards at this time. The Order further stated, Shortly after the conclusion of the present proceeding the Committee will convene a workshop to discuss priorities for new standards. Therefore, the above products should be deferred to the subsequent proceeding. This is particularly imperative for chillers, as the efficiency standards for these products are much more complex than what is shown in the current draft.

2. Geothermal Heat Pumps — The reference test procedure for geothermal heat pumps should be changed from ARI standards 320 and 325 to ISO-13256-1. ARI will be using the ISO test procedure for testing both these products in our Certification Programs, beginning January 2000. ASHRAE Standard 90.1 is in the process of referencing ISO-13256-1 instead of the ARI standards. We will provide more information at the workshop.
3. Filing by Manufacturers — We would like to discuss this section in detail, particularly Sections 1605(a)(2)(C), (3)(C), (3)(E), 1605(c), 1605(h)(2)(A) and 1605(i) pertaining to model numbers, test dates, etc.

Thank you for your consideration of our comments. We look forward to a productive workshop on the 14th.

Sincerely,



Lawrence R. Wethje
Director, Public Policy

Enclosure

cc: John Hodges
Ted Leland
Mark Menzer
Henry Hwong

June 15, 1998

Mr. Michael McCabe
Director, Office of Codes and Standards
Energy Efficiency and Renewable Energy
Department of Energy, Mail Station EE-43
1000 Independence Avenue, SW
Washington, DC 20585-0121

Re: Labeling of EPACT Covered Products

Dear Mr. McCabe:

We are writing a follow-up letter to the workshop hosted by the Department on April 15, 1998, which was conducted to discuss labeling and other issues as they relate to EPACT covered products. During the workshop, there seemed to be general agreement that labeling of HVAC equipment covered by EPACT would not be necessary because of the requirements of Section 344(h) of EPCA, which states:

The Secretary shall not promulgate labeling rules for any class of industrial equipment unless the Secretary has determined that:

- 1) such labeling is technologically and economically feasible;
- 2) significant energy savings will likely result; and
- 3) the labeling is likely to assist consumers in making purchasing decisions.

Requirements 2 and 3 above would clearly not be fulfilled by labeling commercial HVAC equipment. Since these products have been required to meet the efficiency standards of EPACT since 1994, no additional energy savings will result by labeling equipment now. Manufacturers will not risk producing equipment that does not meet Federal efficiency standards. The few manufacturers who may not be in industry certification programs will be policed by their competitors in the market place.

Labels will not assist the consumers in making purchasing decisions because the products are not seen by the consumers prior to purchase. EPACT covered equipment is not sold directly to consumers. The equipment is compared through product literature, sales calls, dealers and by discussions with manufacturers. The information necessary to assist purchasers in making their decision is already available through a variety of channels (manufacturers literature, the Internet, the ARI directory, etc.).

Therefore, we would appreciate your confirmation of the Department's concurrence that it will not be necessary for the Secretary to promulgate labeling rules for HVAC equipment. Thank you in advance for your response.

Sincerely,



W. Ted Leland
Vice President, Government Affairs